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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | Docket Number (Optional) |
|---|---|

First named inventor: **Henry Michael Hadden**

Application No.: **09/941,525**           Art Unit: **3765**

Filed: **8/29/01**              Examiner: **James G Smith**

Title: **Formable Hat Bill**

Attention: Office of Petitions
**Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

**FAX RECEIVED**

**NOV 0 3 2003**

**PETITIONS OFFICE**

NOTE: If information or assistance is needed In completing this form. please contact Petitions Information at (703) 305-9282

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
    (1) Petition fee;
    (2) Reply and/or issue fee;
    (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
    (4) Statement that the entire delay was unintentional

1. Petition fee
    ☒ Small entity-fee $ **650** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1 27

    ☐ Other than small entity - fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
    A. The reply and/or fee to the above-noted Office action in
      the form of _____ (Identify type of reply):
        ☐ has been filed previously on _____.
        ☐ Is enclosed herewith.
    B. The issue fee of $_____.
        ☐ has been paid previously on _____
        ☐ Is enclosed herewith

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# REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED
## COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: Changes To Implement Electronic Maintenance of Official Patent Application Records 168 Fed. Reg. 38611 (June 30, 2003), posted on the Office's website at: http://www.uspto.gov web patents itw with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003) The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

***Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.***
Note: The amendment practice for reissues and reexamination proceedings. except for drawings, has not changed.

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## REVISED AMENDMENT PRACTICE

### I. Begin each section of an amendment document on a separate sheet:
Each section of an amendment document (*e.g.,* Specification Amendments. Claim Amendments. Drawing Amendments. and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

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### II. Two versions of amended part(s) no longer required:
37 CFR 1.121 has been revised to **no longer require** two versions (a clean version and a marked up version) of **each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for substitute specifications under 37 CFR 1.125 have been retained.**

### A) Amendments to the claims:
Each amendment document that includes a change to an existing claim. cancellation of a claim or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and the text of each pending claim (with markings to show current changes) must be presented. The claims in the listing will replace all prior claims in the application.

(1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original). (currently amended). (canceled). (withdrawn). (new). ***(previously presented) and (not entered).*** The text of all pending claims. ***including withdrawn claims,*** must be submitted each time any claim is amended. Canceled ***and not entered*** claims must be indicated by only the claim number and status. without presenting the text of the claims.

(2) The text of all claims being currently amended must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for ***deletion of five characters or fewer, double brackets may be used (e.g., [[error]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change*** (e.g., ~~number 1 as~~ number 14 us) An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended." and "withdrawn" that are being amended. may include markings.

(3) The text of pending claims not being currently amended. ***including withdrawn claims,*** must be presented in the claim listing in clean version. *i.e.,* without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.
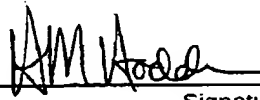
3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63)

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

8/1/03
Date

Signature

Telephone
Number: 602-278-4900

Henry M. Haddon / Kiev Auto
Typed or printed name

7493 West Quail
Address

Glendale, AZ  85308
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

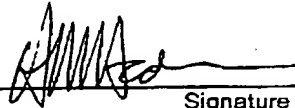### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents. P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8/5/03
Date

Signature

Henry M. Haddon
Type or printed name of person signing certificate

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